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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,683	01/14/2000	Alex Holtz	1752.0010001	7339

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/482,683	HOLTZ ET AL.	
	Examiner	Art Unit	
	Ba Huynh	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-31, 39-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As for claims 21, 29, 39, 47, 52, 53: The phrase "and/or" is indefinite.

3. Claims 1,2,3,5,6,8-10,14-19,21,27,29,32,35,36,39,40,43,44,46,47,51 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,038,573 (Parks) .

- As for claims 1, 2, 8, 9, 18, 21, 27, 29, 32: Parks teaches a computer implemented method and corresponding apparatus for distributing a video stream from a source in a video production environment (1:6-10) to a destination (2:51-54), the video stream resulted from a video production process, comprising the steps/means for:

enabling creation of a script (figures 2, 5; 3:20-27) containing at least one segment delimiter ("start tag", "end tag", 1:60 - 2:5) to identify a specific segment within the video stream (further, since each of the stories in panel 252 is individually selectable for display, the delimiter is inherently included in each of the stories),

receiving a request (implicitly included) to distribute one or more video segments of the video stream to a destination (2:51-54; 6:20-23).

defining a set of executable commands for distributing the one or more video segment to the destination (4:35-40;10:55-58).

- As for claims 3, 14: Each video segment includes data related to the video segment (2:6-13; 3:24-26). The means (e.g., program code) for distributing the data related to the video segment is included in the distributing of the video segment (10:55-58).

- As for claim 5: It is inherently included that the video segment must be downloaded to a viewing station prior it can be viewed.

- As for claim 6: A video file comprises a list of selectable video segments (8:60-61; figure 2).

- As for claims 10, 15: The delimiter enable to video segment to be selected as a separate entity (1:60 - 2:5; 6:44-45; 8:60-61; 10:18-21).

- As for claim 16: The system includes a time shifter (3:40-42; 13:50-65) for recording and distributing the video segments at designated time.

- As for claims 17, 19: The system includes computer network distribution (5:55 - 6:26).

- As for claims 35, 43: Storing a program segment at a destination is implicitly included in the teaching of sending the segment to the destination (6:17-23).

- As for claims 36, 44: The distributed segment can be an updated (edited) version of the segment (6:23-26).

- As for claims 39, 40, 46, 47, 51: Parks teaches a computer implemented method and corresponding apparatus for distributing a video stream from a source in a video production environment (1:6-10) to a destination (2:51-54), the video stream resulted from a video production process, comprising the steps/means for:

enabling creation of a script (figures 2, 5; 3:20-27) containing at least one segment delimiter ("start tag", "end tag", 1:60 - 2:5) to identify a specific segment within the video stream (further, since each of the stories in panel 252 is individually selectable for display, the delimiter is inherently included in each of the stories),

receiving a request (implicitly included) to distribute one or more video segments of the video stream to a destination (2:51-54; 6:20-23).

defining a set of executable commands for distributing the one or more video segment to the destination (4:35-40;10:55-58).

Program segments can be distributed in a designated format (2:25-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 11-13, 20, 22-26, 28, 30, 31, 45, 48, 49, 50, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,038,573 (Parks).

- As for claims 4, 28, 30, 31: Parks fails to clearly teach the distribution of advertisements along with the video segments. However, Official notice is taken that sending advertisement along with video data is well known in the art (see RE37,432, 8:13-16 for example). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known distributing advertisements along with video data to a destination. Motivation of the combining is for advertising purpose. Implementation of displaying the ads in serial or parallel with the video segment would have been obvious to one skill in the art in composing the news broadcasts.

- As for claims 11, 22, 45, 48: Parks fails to clearly teach the distribution of advertisements along with the video segments. However, Official notice is taken that sending advertisement along with video data is well known in the art (see RE37,432, 8:13-16 for example). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known distributing advertisements along with video data to a destination. Motivation of the combining is for advertising purpose. In light of the combining, it would have been obvious that the command to distribute the advertisement must specify the interval and duration of the ads.

- As for claims 12, 23: Parks fails to clearly teach the implementation of hyperlink with the advertisement for communicating with the advertiser. However, implementation of hyperlink

for communicating with advertiser is well known in computer art of advertisement. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the hyperlink with the advertisement for communicating with the advertiser. Motivation of the implementation is for interacting with the advertiser.

- As for claims 13, 24, 25: Since the video segment and advertisement are different signals to be transmitted to the destination, it would have been obvious that the signals are transmitted in different frames.

- As for claim 26: The system includes commands for synchronizing a segment with related media (3:40-42)

- As for claims 49, 50, 52, 53: Timing of a segment can be tracked for program management (Parks' 2:59-64). Tracking the time of an advertisement and user response would have been an obvious management activity in light of Parks.

- As for claim 20: Parks to clearly teach the formatting of the segments in accordance with the Internet protocol defined in Internet Standard 5, RFC 791. However, since the segment can be distributed over Internet (1:34-39), it would have been obvious to one of skill in the art, at the time the invention was made, to implement the commands for formatting the segments accordance with Internet Standard 5, RFC 791.

6. Claims 7, 33, 34, 37, 38, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks and further in view of US patent #6,469,711 (Foreman et al).

- As for claims 7, 33, 34, 37, 38, 41, 42: Parks discloses a Wire attribute for original and urgent program segment. Parks fail to clearly teach the implementation of cut-in segment for viewing late breaking news event. However, in the same art of news broadcasts, the cut-in segment ("hole", 8:32-34) is disclosed by Foreman et al (same assignee). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Foreman teaching of cut-in segment to Parks. Motivation of the combining is for inserting late breaking news. Distributing the late news before or after the program segment, introducing late-breaking event related to content of the program segment would have been obvious to one of skill in the art of composing the news broadcasts.

Response to Arguments

7. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Primary Examiner
Art Unit 2173
2/22/03